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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,038	04/08/1999	MITSUO NIIDA	35.C13444US	6992
5514	7590	03/30/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2666	

/DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/288,038	Applicant(s) NIIDA ET AL.	
	Examiner Ronald Abelson	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7,17,18,27-30,33-36 and 38-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-53 is/are allowed.
- 6) ☒ Claim(s) 4,7,17,27-29,33-35 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 18,30,36 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/4/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

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therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4, 7, 17, 27-29, 33-35, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (US 6,058,115) in view of Creswell (US 5,834,831).

Regarding claims 4, 27, 33, and 38, Sawyer teaches a communication system (fig. 1).

Sawyer teaches a controller (fig. 1 box 22).

Sawyer teaches a source node including a first connection control register (fig. 1 box 32).

Sawyer teaches a destination node including a second control register (fig. 1 box 36).

Sawyer teaches the controller is adapted to select a first or a second communication protocol as a communication protocol to be used between the source node and the destination node (fig. 4 box 116, 118, col. 7 lines 15-25), set a logical connection to be used between the source node and the

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destination node (fig. 4 boxes 122, CALL CONNECTED, fig. 5, establishes node to node links, col. 7 lines 37-53).

Regarding the limitation to access the first connection control register to store therein information for the communication protocol selected by the controller and information for the logical connection set by the controller and to access the second connection control register to store therein information for the communication protocol selected by the controller and information for the logical connection set by the controller, the examiner maintains this must occur before the call can be connected. As previously mentioned, referring to fig. 4, the protocol is assigned (box 118) and the logical connection is assigned (box 122). If the controller did not send to the terminals the protocol and logical connection assignments, the terminals would not know how to communicate with each other.

Although Sawyer teaches fax communication (col. 5 lines 65-67), the reference is silent on broadcast communication.

Creswell teaches broadcasted faxes (col. 15 lines 5-10).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Sawyer by using the EFAX protocol of Creswell. This would improve the system by

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allowing for faxes to be sent to broadcast to more than one recipient at the same time.

Regarding claims 7, 28, 34, and 39, the second communication protocol does not use broadcast communication (Sawyer: fig. 1, col. 3 lines 22-33). Note, in the system shown, a message is sent to only a single recipient.

Regarding claims 17, 29, 35, and 40, the source node and the destination node are adapted to communicate with each other using a communication unit connectable to a serial bus (fig. 3 box 89, col. 5 lines 15-22).

Response to Arguments

5. Applicant's arguments with respect to the amended independent claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 42-53 are allowed.

7. Claims 18, 30, 36, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ronald Abelson
Examiner
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Chi Pham

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2666

3/28/05